

### **REMARKS**

Claims 1-5 were pending and under consideration in the above-identified application. In the Office Action of September 10, 2007, claims 1-5 were rejected.

With this Amendment, claims 1-5 are amended and claims 6-10 are added. Accordingly, claims 1-10 are at issue.

#### **I. Objection To Drawings**

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), indicating that the specification talks of key 16, but Figure 6 shows items 16a and 16b, keys 14-17 are shown differently in Figures 1 and 2, and Figures 1 and 2 contain the item 33 not found in the specification.

With this Amendment, the specification is amended to refer to elements 16a and 16b and to reference element 33 to accommodate the Examiner's request and overcome the rejection.

Figures 1 and 2 are amended to accommodate the Examiner's request and overcome the rejection.

Figure 5 is amended to correctly reflect the disclosure made in specification.

No new matter was introduced in making these amendments. Accordingly, Applicant respectfully requests withdrawal of these rejections.

#### **II. Objection To Claims**

The Examiner objected to claims 4 and 5 under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependant claim cannot depend from any other multiple dependant claim.

In response to this Office Action, claims 4 and 5 are amended to remove the multiple dependency. Accordingly, Applicant respectfully requests withdrawal of this rejection.

**III. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

. In response to this office action, claim 1 is amended to accommodate the examiner's request and to overcome the rejections. Accordingly, Applicant respectfully requests withdrawal of this rejection.

**IV. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Namiki* et al (US 5130961). Applicant respectfully traverses this rejection.

In relevant part, claim 1 recites:

“in a first mode, the power to the digital reproducing unit is on while the tuner unit receives the broadcast”

This is clearly unlike *Namiki*, which fails to disclose turning on a digital reproducing unit while a tuner is receiving a broadcast. Instead, *Namiki* discloses turning off a compact disk player based on the position of a selector switch. (See, *Namiki* Col. 3, lines 37-41). Further, nowhere does *Namiki* disclose turning on a compact disk player while a tuner is receiving a broadcast.

As the current application teaches, turning on a digital reproducing unit while a tuner unit receives a broadcast eliminates any delay incurred when the digital reproduction unit is selected for use. (See, U.S. Pub. 2005/0090214 Para. [0017]). Accordingly, the apparatus disclosed by *Namiki* is incapable of forming the apparatus claimed.

Therefore, because *Namiki* fails to disclose or even fairly suggest all of the features of the claim 1, the rejection is improper. Because claims 2 and 3 depend, either directly or indirectly from claim 1, those claims are patentable at least for the same reasons.

**V. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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